

# **Exhibit H**

Redacted for Public Filing

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

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GUARDANT HEALTH, INC.,  
PLAINTIFF,

-against-Case No.:

3:21-cv-04062-EMC

NATERA, INC.,

DEFENDANT.

-----X

DATE: June 18, 2024

TIME: 9:04 A.M.

CONFIDENTIAL REALTIME DEPOSITION of the  
Defendant, NATERA, INC., by a Witness,  
DR. HOWARD S. HOCHSTER, taken by the Defendant,  
pursuant to a Subpoena and to the Federal Rules of  
Civil Procedure, held at the offices of Quinn  
Emanuel Urquhart & Sullivan, LLP, 51 Madison Avenue,  
22nd Floor, New York, New York 10010, before Karyn  
Chiusano, a Notary Public of the State of New York.

1 Q. That's usually at the beginning of the  
2 year; correct?

3 A. Yes.

4 Q. And ASCO GI 2024 was in the middle of  
5 January of 2024; correct?

6 A. That's correct.

7 Q. And there was an abstract that was  
8 prepared in connection with the COBRA Study;  
9 correct?

10 A. Yes, that's correct.

11 [REDACTED]  
12 [REDACTED]  
13 [REDACTED]  
14 [REDACTED]  
15 [REDACTED]  
16 [REDACTED]  
17 [REDACTED]  
18 [REDACTED]  
19 [REDACTED]  
20 [REDACTED]  
21 [REDACTED]

21 MR. PERLOFF: Well, let me back up:

22 Q. Dr. Hochster, you knew that NRG and NCI  
23 had closed the COBRA Study to enrollment in -- on  
24 August 30th of 2023; correct?

25 A. Yes.



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10 Q. Okay. Now, you -- in 2019, do you know  
11 whether Guardant Reveal was a commercially available  
12 asset?

13 MS. MAROULIS: Objection; form.

14 A. I'm not certain when they were made --  
15 you know, when they started marketing it and I'm not  
16 sure when the FDA gave their approval. So...

17 Q. You don't know?

18 A. I don't know.

19 Q. If -- I'm going to tell you that  
20 Guardant Reveal was launched as a commercial  
21 product, not in a research-use-only product, but a  
22 commercially available clinical product announced in  
23 January of 2021, soft launch, in February or March  
24 of 2021.

25 Does that sound about right?

1 Network group study champions for the COBRA Study;  
2 correct?

3 A. I'm unsure about that, but if that's  
4 listed that way, then I would believe that.

5 Q. And does Dr. Boland report to you in  
6 any fashion?

7 A. In some fashion.

8 Q. You are the Head of Clinical Research,  
9 at Rutgers.

10 Is it in that capacity that he reports  
11 to you?

12 A. Yes.

13 And also, I am the Director of GI  
14 Oncology.

15 So, he has some level of supervision,  
16 by myself, in that capacity, as well.

[REDACTED]

[REDACTED]

1 other cancer patients?

2 MS. MAROULIS: Objection; form.

3 A. At times.

4 Q. At all times, on average?

5 A. I haven't performed such an analysis --

6 Q. Okay.

7 A. -- to be able to give you that data.

8 Q. Okay. And you're still the Associate  
9 Director for Clinical Research and the Director of  
10 GI Oncology, at Rutgers Cancer Institute; correct?

11 A. Correct.

12 Q. And is it still the case that you  
13 direct all GI oncology research at Rutgers Cancer  
14 Institute?

15 A. Yes.

16 Q. And so, is it true that you play an  
17 important role in deciding what clinical research --  
18 oncology clinical research is performed at Rutgers?

19 A. Yes.

20 Q. What role do you play in reviewing and  
21 approving which oncology research is performed at  
22 Rutgers Cancer Institute?

23 A. Well, we have a process that if an  
24 investigator is interested in a trial, we have  
25 them -- we have disease groups. There's a review at



1 present ctDNA-positive after surgery and receive  
2 adjuvant chemotherapy?

3 MS. MAROULIS: Objection; form.

4 A. I am not aware of a consensus figure.

■ [REDACTED]  
■ [REDACTED]  
■ [REDACTED]  
■ [REDACTED]  
■ [REDACTED]  
■ [REDACTED]  
■ [REDACTED]  
■ [REDACTED]  
■ [REDACTED]  
■ [REDACTED]  
■ [REDACTED]

13 Q. And Mr. Thom -- Dr. Thom George, he was  
14 also one of the publication authors for the COBRA  
15 Study?

16 A. Yes.

■ [REDACTED]  
■ [REDACTED]  
■ [REDACTED]  
■ [REDACTED]  
■ [REDACTED]  
■ [REDACTED]  
■ [REDACTED]  
■ [REDACTED]  
■ [REDACTED]  
■ [REDACTED]  
■ [REDACTED]

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MS. MAROULIS: Objection; form.

4

Counsel, please watch your language.

20

MR. PERLOFF: Well, let me back up:

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[REDACTED]

[REDACTED]

1 marked as Exhibit 3104.

2 Do you remember that you spent time  
3 talking to your Counsel regarding the collection of  
4 those documents?

5 A. Yes.

6 Q. Let me hand you what I have marked as  
7 3104.

8 (Whereupon, Invoice was marked as  
9 Exhibit 3104 for identification as of this date by  
10 the Reporter.)

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MS. MAROULIS: Objection; form.

22

Category	Value
Category 1	100%
Category 2	80%
Category 3	60%

MS. MAROULIS: Objection; form.

MS. MAROULIS: Objection; form.

MR. PERLOFF: I am going to make a

request right at this moment that his -- a mirror

image of his account, his PST file, be locked down

for a potential forensic investigation.

We will probably bring it to attention

of the Court, but we may be able to do this all

behind the scenes.

But I'm making that request, and I am

serious about this: I don't want there to be any

potential deletion at this point in time.

MR. PERLOFF: Well, let me back up:

Veritext Legal Solutions  
800-336-4000




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[REDACTED]

[REDACTED]

7  
8

MS. MAROULIS: Objection; asked and  
answered.

[REDACTED]

MS. MAROULIS: Objection; asked and

answered.

MS. MAROULIS: Objection; form.

22

MS. MAROULIS: Objection; form.

[illegible]

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MS. MAROULIS: Objection; form.

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MS. MAROULIS: Objection; form.

[illegible]

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[REDACTED]

MS. MAROULIS: Okay. And please don't reveal the substance of the communication.

THE WITNESS: Okay.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

MS. MAROULIS: Please don't reveal the communication.

THE WITNESS: Okay.

MS. MAROULIS: He asked for a date.

THE WITNESS: Okay.

MS. MAROULIS: It's okay to say the date.

Try to keep the record clean.



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## C E R T I F I C A T E

STATE OF NEW YORK )

: SS.:

COUNTY OF NEW YORK )

I, KARYN CHIOUSANO, a Notary Public for and  
within the State of New York, do hereby certify:

That the witness whose examination is  
hereinbefore set forth was duly sworn and that such  
examination is a true record of the testimony given  
by that witness.

I further certify that I am not related to any  
of the parties to this action by blood or by  
marriage and that I am in no way interested in the  
outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand  
this 20th day of June, 2024.



KARYN CHIOUSANO